



Chicago Metropolitan Agency for Planning

233 South Wacker Drive
Suite 800, Sears Tower
Chicago, IL 60606

312-454-0400 (voice)
312-454-0411 (fax)
www.cmap.illinois.gov

MEMORANDUM

To: Programming Coordinating Committee

Date: April 6, 2009

From: CMAP Staff

Re: DRI Draft 2.0 – Public Comment

PUBLIC COMMENTERS

- Environment & Natural Resources Working Committee
(attached as a separate pdf)
- Metropolis 2020
- Paul Heltne
- Metropolitan Planning Council
- Will County
- Metro Mayors Caucus
- DuPage County
- Regional Transportation Authority
- Dan Strick
- City of Naperville
- Robert Munson
- Jean Eggerman
- Lake County Stormwater Management Commission
- United States Department of the Interior
- Northwest Municipal Conference
- Anja Claus
- American Planning Association – Illinois Chapter
- Will County Center for Economic Development

COMMENTS

All comments are as follows:

April 6, 2009

To: CMAP Programming Committee
From: Jim LaBelle, Vice-President, Chicago Metropolis 2020

Re: Comments on draft DRI process

I'm sure you are receiving many comments on version 2 of the process for addressing Developments of Regional Importance. There was a spirited discussion of the proposal at the CMAP Land Use Committee, of which I am a member. I made a few comments then, but would like to emphasize two points now and request that the proposed DRI process be amended accordingly.

1. Notice to interested parties —

Whenever a request is made to CMAP to consider a DRI, CMAP should require that notice be given to all local governments and counties within 1 mile of any portion of the proposed development, as well as any planning or transportation agency serving the area of the proposed development. If possible, it would make sense to include neighborhood and community organizations in the notification as well.

An important part of the DRI process is to ensure that neighboring communities that might be impacted by a proposal are aware of it and have the opportunity to review and comment to the host community. This is an important service that CMAP can perform even if CMAP does not itself review the proposal as a DRI.

2. Threshold for CMAP to review a project as a DRI —

The proposed thresholds that must be exceeded by a development in order for CMAP to proceed with a DRI review are unrealistically high, and do not include significant elements such as groundwater withdrawal. Each one of the three listed criteria will rarely if ever be met. To also require that two of the three thresholds be exceeded guarantees that CMAP will rarely review even regionally important projects as DRIs.

If CMAP uses these thresholds for determining if something is regionally important, it forces one to ask if CMAP really wants to be an effective and relevant agency, or if it would rather just watch quietly as all sorts of "not quite" regionally significant actions occur that dramatically affect growth and development in the region.

In its work on the 2040 plan, CMAP certainly appears to want to influence the way development decisions are made by laying out alternative scenarios and developing robust performance indicators. The way CMAP chooses to address developments of regional importance will be a clear signal to all about whether CMAP wants to be a relevant regional planning agency, or not.

Thank you for considering these comments.

KW

**Pathways to a Vigorous and Healthy Chicago Metropolitan Region:
Developments of Regional Importance Process as a Regional Dialogue, p. 1**
Paul Helme, draft 1 of a discussion document for the Environment and Natural Resources Working
Committee of the Chicago Metropolitan Agency for Planning (CMAP)

Let us assume that every jurisdiction in the region wants to establish policies and practices that improve air quality, use dramatically less energy, control CO2 emissions, improve the condition of water resources and avoid their over use or damage, encourage local food production, protect and nurture our beautiful native landscapes and wildlife, and preserve our historical and archeological heritage.

This, CMAP can aid tremendously with ability to create dialogue around any issue of regional impact. Its enabling legislation provides broad authority to gather data from proposers whether public or private and provide incentives that would help every jurisdiction to achieve the sustainable relationships listed above.

The legislature did not define incentives nor the Developments of Regional Importance (DRI) Process because it is obvious that all but minimal actions in any jurisdiction will have regional impact, very often important impact. Rather than thinking about these impacts on a one-by-one basis, CMAP can institute and require regional dialogue at many points and many matters, publishing data and recommendations of great importance for evaluating the ability of any particular proposal to meet the regional and local criteria of a healthy, vigorous community in sustainable relationships with its neighbors and the natural world on which it depends. The attention that information about a project generates will reveal how citizens wish to move on any particular questions raised.

Everyone recognizes that the region is nearly 'full' and could overflow in ways destructive of the wonderful characteristics of our region which we all cherish. Envisioning a good life for the region and planning for it is the charge given to CMAP because it has been amply shown that the aggrandizement of one part of the region at the expense of others is not a practice that leads to long term well-being which we want to achieve. We also recognize that many of the features of the region which are fundamental to our lives and well-being are not circumscribed by local or county jurisdictional boundaries. Decisions, even seemingly innocuous ones, regarding activities in one jurisdiction are likely to influence conditions in neighboring jurisdictions and beyond, including the full region and adjacent regions. The DRI Process is meant to engage us in vigorous dialogue about these cross-boarder impacts before they occur.

What follows in very spare outline form are proposals about how to utilize the DRI Process so as to improve and safeguard the well-being of the entire region, not just small parts of it, while protecting and enhancing the nature and wildlife of the region (which preceded us to this wonderful place). The DRI Process can lead to a vigorous, healthy region and improve well-being for human and natural communities and the resources on which we all depend. Clearly, this is what the Illinois General Assembly intended when it enacted the legislation establishing the Chicago Metropolitan Agency for Planning (CMAP). Indeed, we ought to see the DRI Process and the incentive feature of the legislation as related to each other.

The legislation recognizes, repeatedly, that many activities which are conducted in the region reach across political boundaries. Everyone knows that streams, air, and wildlife (plants and animals) are unbounded. Likewise, policies, landuse, economic, and infrastructure decisions made by one political entity frequently reach across political boundaries. At this point, as Metropolis 2020 so aptly put it, Adam Smith's invisible hand often drops the ball. The legislature developed DRI as one important means of helping the region remain a major engine for the well-being for its citizens, Illinoisans in general, the

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whole Midwest of which the Chicago Metro area is clearly the hub, as well as for the nation and the world. Chicago has often shown the way for others; proper definition and practice of the DRI Process is another opportunity to do so.

To date, DRI has been defined in a way that is seen as having the power to limit economic activity and invade political authority; those who are concerned about these questions have worked to circumscribe that potential. Version 2 of the DRI Process (CMAP, Feb. 7, 2009) illustrates this approach; the proposed thresholds included in Version 2 would make it unlikely that the DRI would ever be invoked.

Version 1, however, was about starting a dialogue. Dialogue is what is needed because in a full region many changes in landuse or transportation or other environmentally related policies can have wide-ranging impacts and are thus of regional importance. But let us return to our initial assumptions about the good will of everyone in respect to preserving and increasing the well-being of the whole region and the humans and nature within it. Clearly this cannot be achieved by exporting trouble downstream (in what ever river of trouble is flowing) to some other part of our region, or some other region altogether, because we are all downstream from someone else. This is just another way of saying we have to find some method of working towards improvement the whole, now and for the foreseeable future, rather than shifting current or newly created problems to some other time, place, or generation.

The Environmental and Natural Resources Working Committee can propose an alternative approach. Version 1 of the DRI could be seen as starting a regional dialogue about regional health beginning with our environment on which all else depends. But we were unable to construct a positive view of this approach. I want to suggest two positive benefits which might be attached to a DRI Process. The first is that a successful conclusion of the DRI Process might be rewarded with the payment of some portion of the permit fees. Perhaps an even more important incentive might be help with the permitting process itself, as described below.

Imagine almost any jurisdiction having to make a decision regarding a development proposal of almost any sort, residential, industrial, commercial, transportation. Even with the most profound intention to benefit humans and nature, few jurisdictions have the time, personnel, or ability to recognize and analyze all the potential effects of the proposal for themselves or their neighbors or the region. Yet they wish to be good neighbors and to be assured that the proposal is really a good one for themselves and the whole region including its natural communities and resources. CMAP could offer that kind of integrated service of evaluation and report back to the jurisdiction and say "Look, we have reviewed every aspect of this project in a thorough and coherent fashion including those aspects which require specific permits as well as those aspects which are significant but not included in the narrow purviews of regulatory agencies. We find that the proposer has studied every legal requirement and those additional measures which we have suggested."

At this point CMAP would then say one of several things:

1. The proposer has agreed with the items and we have agreed to convey that to information to you and, subject to your concurrence CMAP will pay the associated permit fees up to x\$ and testify to our findings at other reviews."
2. Or the report might continue in a different fashion: "Even though we at CMAP offered an incentive of x\$ to conform to recommendations designed to safeguard and enhance the region, the proposer of this development did not accept this incentive to promote a healthier region for humans and nature. We urge

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a further dialogue between the proposer, yourself and your neighboring jurisdictions in order to reach the most healthful solutions for current and future generations in the region. CMAP will be glad to participate in such discussions."

3. Or the report might be something like the following (hopefully never), "Even though you, the jurisdiction or your neighbors asked CMAP to review this proposal on the thorough basis with which you are familiar, and we offered incentives and testimony on the proposers' behalf if we came to consensus on the project, the proposer refused to participate in the review and has subsequently rejected all (or most) of our recommendations. We urge you to attempt to renew the discussion with the proposer and your neighboring jurisdictions so that you can make a determination about the proposed action on the basis of those discussions as well as our report."

What might such a dialogue cover? Air quality, water quality and supply, healthy natural and human communities might be fundamental answers and consonant with the concerns which the legislation seeks to address. **The DRI Process should be aimed at solving current problems and creating positive win-win solutions definable as a healthy, vibrant future for the region. The fact that other reviews are conducted by other agencies is not, in and of itself, sufficient to assure a healthy, vibrant future for the region.**

Some other examples of how win-win might be achieved:

While proposers and most jurisdictions are familiar with many requirements of altered land use, none of the effects of such a proposal have capacity for analyzing region-wide impact on air quality. Regional air is shared by all; we are downwind of some and others are downwind of us. Our region is in quite dramatic non-compliance with respect to air pollution. Any proposed new development should show that it would lead to no further worsening of air quality or to an improvement in air quality. Even in-fill development may generate more vehicle miles travelled. Thus, a new building or community would be judged (in part) on the extent to which included commitments to minimize number and length of trips in personal vehicles or, alternatively, to provide public, bicycle, or pedestrian access to goods and services. An additional offset would be making new buildings extremely energy efficient. In this way, for the sake of testimony aiding permit approval and possible cash incentives, green buildings and green neighborhoods could become the chief forms of new housing in the region. This might also be accompanied by working with power providers to make the electrical grid more accessible to solar and wind power generated at the local level. Developers installing these facilities on a local basis or as offsets elsewhere in the region would be recognized as doing so with high ratings in the approval process. Using the DRI Process in this way, we might move much more rapidly toward with very green buildings for infill or toward compact, properly located LEEDS Neighborhoods (as described, for example, by Doug Farr in his book *Sustainable Urbanism: Urban Design with Nature*).

Another example: Acreage in agriculture, forests, and wetlands as well as lakes and streams are extremely important for food and the recharge of ground water as well as for many forms of wildlife. These resources must be assiduously conserved to assure a healthy, vibrant region, one with local sources of safe, plentiful water and a dependable food supply as well as the preservation of our unique flora and fauna. Policies or proposals could go forward if, in addition to offsetting the air quality issues attached to vehicle trips, and possible damage to local natural resources were offset by other measures. If, for example, a local stream was already badly degraded measures should be taken to improve its quality but offsets could be negotiated such as by securing in perpetuity the quality of A and B streams, by purchase and permanent easements on farmland which remain a part of the project or are acquired elsewhere, or

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outright purchases of additions to the green infrastructure visions of Chicago Wilderness or which are part of the open space plans of various counties or municipalities. These dialogues and steps to a vibrant, healthy future for the region are not part of any of the other regulatory or permitting process in the region. CMAP could initiate such dialogues with the principal jurisdiction and proposer as well as other affected parts of the region as part of the positive view of the DRI process.

Clearly, the initial step in many proposals to change landuse is the FPA process. However, as constituted, the FPA process and many other regulatory processes are very narrowly circumscribed. But the FPA is often a trigger. This is the time to start the dialogue and create a determination of a vision for the area under consideration which would protect the long term well-being of the parcel, the local jurisdiction, its immediate neighbors, and the region as a whole. Such a DRI Process could assure that use of such annexations will conform to appropriate uses and be contingent on only such uses being permitted. Once again, any proposed change should be able to show no net decrease in air quality and assure that appropriate additions to safeguards of wetlands, streams, food lands, etc., are established in an appropriate proportion to the lands being so permitted.

In conclusion: The fundamental activity of DRI is to establish the necessary regional dialogue between interested and affected parties at a time early enough so that proposed action can preserve or enhance the long-term well being of the human and natural communities of the region. The examples given in this paper hardly scratch the surface of what might be done in this cause. It appears that it remains to the Environmental and Natural Resources Working Committee to carry these ideas forward in the CMAP organization.

Specific Critiques of 'Proposed CMAP Process for addressing Developments of Regional Importance -- Version 2' (2/20/2009)

I list below several problems in Version 2 (V2) beyond those I addressed in an earlier paper (see attached Thresholds pdf). Bold standard type face at the beginning of an entry refers to specific sections with that title in Version 2 (see attached pdf). Bold face in the body of the text is simply for emphasis. Italicized Bold 'Actions' are my proposals for change or additions; these are more fully captured in a forthcoming document 'Suggested Alternative DRI Process'.

BACKGROUND (p. 1 of Version 2)

- a) The legislation establishing the Developments of Regional Importance (DRI) process (Section 47) is quoted in V2. Section 48 on Incentives should also be quoted. Joining DRI and Incentives creates a much more powerful set of tools to move the region forward toward a healthy future and thus adds value to the review and discussion processes of DRI.
- b) The V2 process description should follow the legislation with respect to the definition of impacts; in this particular clause V2 limits the topics to be considered to those with "widespread regional impacts" (p. 1, V2). *However, the legislation contains no such limitation that the impact be widespread, only that the impact be regional*, that is, crosses a jurisdictional boundary. This clause should be changed by deleting 'widespread.'
- c) A careful, timely review process is of course important for securing the health of the region. Thus, CMAP should **not** constrain itself to rush to conclusions in a few weeks when the effects may well be on the land for a century or more. The legislation does not constrain the process beyond 'create an efficient process for reviewing.' CMAP does not have regulatory authority but does have a responsibility to see that we achieve a healthy future for our region. This is *the value-added* that posterity requires of us. A thoughtful, careful process of fact-finding and discussion will prevent the loss of precious resources to ill-conceived uses and preserve our land, air, water, wildlife, and human communities in a flourishing condition.

INTRODUCTION

1. **Requesting a review.** Version 2 permits many individuals and entities to nominate a proposed action for a DRI review. However, it is clear from the wording below in # 3 'Thresholds' that, in order to be considered, nominations must assert that a proposed action meets or exceeds the proposed -- very high -- thresholds. .

ACTION: Assure that a review might be requested on any activity that may have substantial bearing on the health and well-being of the region beyond the jurisdiction(s) in which the proposed action is actually located.

At this point, the discussion of the DRI process hits a snag in both Version 1 and V2. I believe the problem is a failure to recognize the different geographic scopes which a DRI process might encompass. To rectify this problem I suggest that we recognize three categories of DRI: Category 1: Subregional (limited geographic scope) -- effects which reach into immediately adjacent jurisdictions but no further. Category 2: Subregional (large geographic scope) -- effects which reach beyond immediately bordering jurisdictions but may not impact the whole region. Category 3: Regional (massive, region-wide effects) -- for examples, a new airport, new rail routes, new shopping malls, huge housing settlements, major new parks or other public works, etc.

At each geographic scope, there may exist varying scales of intensity of the effects of a proposed action which also need to be taken into consideration in the DRI process.

2. Criteria for time window – Version 2 tightly restricts the time window for a review to 30 days and says that CMAP won't review if that window happens to have been closed. This allows too much room for the "Oops! Oh shucks! Sorry we forgot to let you know in time" factor.

ACTION: Timeliness criteria should be determined on the basis of the geographic scope of the proposed action and the scale of intensity of changes which might ensue. These actions will change the landscape for a century or more. Thus, to assure the near-term and long-term health of the region requires careful review and discussion with all interested parties. This simply cannot be achieved within a 30 day time frame. The time frame might be one of the points of discussion with interested parties after all the required data are in hand.

3. Thresholds – Current V2 thresholds cover limited topics and are set at extremely high levels. Thus a DRI review would rarely be triggered. Thresholds should be responsive to the scale of the proposal and the scope of its potential effects.

ACTION: Redefine the current thresholds so that meeting even one of the current criteria requires a full DRI review. In addition, if a proposed action does not conform with the thresholds proposed by the Environment and Natural Resources Working Committee, that proposed action automatically requires a DRI review. Finally, CMAP should establish an open approach as to scale and scope so as to permit an appropriate response to the widely varying proposals which might impact regional health. If it is felt that some additional thresholds are needed, these should be set sufficiently low that they would assuredly trigger regional reviews and discussions. But fundamentally it is important to hold the process open for consideration of proposals for which no thresholds have been set or whose likelihood has not been imagined (like the EJ&E railroad, for example).

4. DRI designation by the CMAP Board – Version 2 essentially reduces the DRI process to something akin to CMAP's role in respect to FPA applications. In V2, CMAP staff certifies that the DRI request is properly made, the time window is available, and two of the three thresholds appear to be exceeded. The Board accepts or rejects the request at its next regular meeting. By accepting, the Board requires CMAP staff to prepare an advisory report regarding the proposed action in 30 days. Rejecting the request for DRI review is followed by a statement of 'no further action.'

ACTION: Restore Board authority to institute a review responsive to the scope and scale of the request for DRI review. Permit sufficient time to achieve a value-adding process of discussion, review, and public hearings on an accepted request.

5. DRI Advisory Report – Version 2 allows only 30 days for fact-finding and synthesizing a report. In this time the staff will seek to establish whether or not there are:

- a. Significant effects on important features of the natural environment;

- b. Significant changes in prevailing population density;
- c. Significant affects on a regional transportation facility;
- d. Significant changes in existing land use patterns;
- e. Affects [on] the function or performance of a planned or existing public investment.

If CMAP can't get the data it needs, V2 commits the staff to produce an advisory report anyhow. CMAP staff submits its report to the Board who notifies jurisdictions of its availability. The Board does not need to take any further action.

ACTION: Establish a DRI Process which requires, at the very minimum, discussion at CMAP Board and Committee levels. In addition, this being an open process, it would be extremely valuable for CMAP to convene one or more meetings of representatives of all affected parties. Once a CMAP draft report is agreed, public hearings should be held in sufficient number of locations to air the action being proposed, the results of fact-finding, and the comments and discussions which occurred during the review process (at least one hearing in the originating jurisdiction, one in the jurisdiction which requested the DRI review, an appropriate number of hearings in affected jurisdictions, and one at the CMAP offices).

In addition, the review should incorporate at least a discussion of how the proposed action may impact the local, county, and regional plans that are in place at the time of the proposal. The time line for the DRI review should reflect the scope and scale of the proposed action and should be triggered only after the necessary data has been gathered and the affected parties have agreed to appropriate discussions on the public record.

6. Closing the DRI review – saying that “the CMAP Board may hold subsequent discussions on the subject matter of the advisory report at its discretion” may appear to be a denial of responsibility.

ACTION: At a the very minimum, the CMAP Board should be required to go through a public process with CMAP committees and public hearings on the Advisory Report and formally evaluate the responses to the draft from the affected parties.

Comment on the CMAP: DRI Process dated 2/4/2009

Paul Heltne, p. 1, Comments rev March 22, 2009

Thresholds:

Quantitative criteria - level: As far as I can determine, only one project has ever been built in the region besides O'Hare Airport, that would exceed the thresholds in the draft document. The likelihood of another such development being built in the next 2 years is very low. This has the result that there might not be a single item to review during the trial period. *Thus, the levels of the three quantitative criteria should be reduced to 20% of the current level.*

Quantitative criteria - number of thresholds. Two of three thresholds must be exceeded to merit a DRI process. This further reduces the likelihood of ever triggering a DRI review. *Thus, the criterion should require only one threshold to be met.*

Qualitative criteria: The one project which the CMAP Board determined could be a DRI, the EJ&E Railroad proposal, would not meet the criteria listed. *Thus, thresholds need to be expanded to include additional situations.*

Other review processes inadequate to protect regional interests: The railroad discussion illustrated the profound fact that, aside from the courts, only CMAP has the mandate to examine cross-jurisdictional impacts on the region. However, the draft stipulates that matters which have received federal or state permits or would be considered by other review processes would be exempted from DRI consideration. This is a serious flaw because the other permitting processes are quite restricted and cannot look beyond rather specific criteria for permitting. The criteria of the various agencies do not or cannot take into account regional impacts which might be quite separate from the specific questions dealt with under the permits. *Thus, thresholds need to be included to allow review of proposed activities even though these might be the objects of other reviews and permit decisions.*

5 x 10,000 vehicle trips per day (vtd) = 50,000 vtc: Five developments each generating 10,000 vtd equals one development generating 50,000 vtd. Simply setting thresholds lower does not adequately resolve potential regional impacts for vtd or other thresholds. *Thus, even reduced thresholds must be amplified by other threshold criteria.*

Protecting the environment: For example, project developments of much smaller size than the thresholds proposed may be permitted with stipulations to preserve critical habitat. However, the actual staging of the development may degrade habitat that was to be protected though not actually part of, or even close to, the initial stages of development. Thus, subsequent permitting encounters not a pristine critical habitat, but only a much degraded one, justifying lesser regulatory relief. *Thus, appropriate environmental threshold criteria must be promulgated to respond to both land-use and other environmental matters.*

New criteria - water supply: It is rather straightforward to estimate water demand for a development of a given size and content. The actual availability of water to supply that demand is not as easily determined; however, excessive drawdowns can lead to loss and contamination of

Comment on the CMAP: DRI Process dated 2/4/2009

Paul Heltne, p. 2, Comments rev March 22, 2009

water resources within as well as well beyond the boundaries of the proposed project. *Thus, threshold criteria for water supply including appropriate safety margins should be established for any proposed development.*

New criteria - air quality: The region is already in non-compliance with respect to air-quality. New developments should not worsen and if possible improve regional compliance. *Thus, thresholds should be developed which indicate that regional air quality would be maintained or improved by any new development.*

Jurisdictional issues - County and Municipal Plans: Developments proposed for areas designated as open space or agricultural lands in county or municipal plans should be the object of regional review so that an entire county or municipality are alerted to the proposal. *Thus, a threshold should be established that would trigger a DRI for alterations proposed for use of county or municipality open space or agricultural land designations.*

Relation to Regional Plan: The Version 2 document makes no relationship between the DRI Process and the current or upcoming regional plans. Proposed actions contravening a current regional plan should be the object of regional review. *Thus, an action not in conformity with a regional plan should trigger a DRI process.*

Request for DRI review: It is unclear whether the request for review by Municipal or County resolution, a CMAP Board member or Executive Director, or other originating sources, would be automatically ruled out by the threshold criteria. *Thus, it should be made clear that at least municipal and county boards and CMAP Board members and Executive Director could propose a DRI process apart from the specific thresholds which would automatically trigger the review process.*

Document as a whole: The document dated 2/4/2009 is substantially different from the document previously submitted for public review. *Thus, the document should be circulated for to all working committees for new formal review THROUGH MAY with final action postponed until the JUNE CMAP Board meeting.*

The DRI Process Version 2 will be likely to retard the possibility of a vibrant and resilient region in 2040 and in fact promote developments will lead to very stark conditions by that year.

Respectfully submitted,
Paul G. Heltne, Ph. D.
4531 N. Greenview
Chicago, IL 60640

**Suggested Alternative Process
for Addressing
DEVELOPMENTS OF REGIONAL IMPORTANCE
at CMAP**

PROPOSED VERSION 3

Submitted for discussion by Paul G. Heltne
April 4, 2009

Background

Assessing the impacts and providing planning guidance on Developments of Regional Importance (DRIs) is a new element in the work program of the Chicago Metropolitan Agency for Planning (CMAP). The preceding regional planning agencies had occasional involvements in regionally significant land use or economic development proposals in addition to including major capital transportation improvements in the Regional Transportation Plan (RTP).

The DRI process brings a very special value to the planning process in the CMAP region. DRI provides a mechanism for reviewing the impact of a proposed action in a comprehensive fashion. This holistic purview allows the region to create plans and actions that secure a healthy and vibrant future. DRI is not a regulatory process. Rather the DRI process establishes a new opportunity for regional partners to comprehensively assess the regional implications of projects or actions proposed by or in one jurisdiction which may have cross-boundary significance for individual citizens, communities, businesses, natural resources, and civic responsibilities in other jurisdictions.

This new allocation of responsibility for regional oversight and coordination was specifically enabled by the Illinois Legislature in CMAP's organic act, Public Act 095-0677, of which Section 47 specifically deals with DRIs. Section 48 empowers CMAP to create incentives for more sustainable communities. Both sections should be read together to gain a full understanding of the intent of the legislation:

Sec. 47. Developments of Regional Importance. The Board shall consider the regional and intergovernmental impacts of proposed major developments, infrastructure investments and major policies and actions by public and private entities on natural resources, neighboring communities, and residents. The Board shall:

(a) Define the Scope of Developments of Regional Importance (DRI) and create an efficient process for reviewing them.

(b) Require any DRI project sponsor, which can be either a public or private entity, to submit information about the proposed DRI to CMAP and neighboring communities, counties, and regional planning and transportation agencies for review.

(c) Review and comment on a proposed DRI regarding consistency with regional plans and intergovernmental and regional impacts. (Source: P.A. 95-677, eff. 10-11-07.)

Sec. 48. Incentives for Creating More Sustainable Communities. CMAP shall establish an incentive program to enable local governments and developers to: create more affordable workforce housing options near jobs and transit; create jobs near existing affordable workforce housing; create transit-oriented development; integrate transportation and land use planning; provide a range of viable transportation choices in addition to the car; encourage compact and mixed-use development; and support neighborhood revitalization. CMAP shall work with federal, State, regional, and local agencies to identify funding opportunities for these incentives from existing and proposed programs. (Source: P.A. 95-677, eff. 10-11-07.)

OVERVIEW

It is CMAP's intent to review proposals in a manner that is sensitive to the geographic scope of the proposed action and to the scale of intensity of the possible impacts of the action, for both current and long-term cumulative effects. In addition, CMAP recognizes that the legislation implies that, as a regional planning agency, it must look beyond the limited authorities of specific permitting agencies; while these retain their specific responsibilities, the special role of CMAP is to engender regional understanding, reflection, and dialogue that will help the region as a whole achieve long-term health and well-being shared by all humans and nature alike. The fundamental value of the DRI process is the commitment to safeguard and nurture the long-term flourishing of the region. This is what our current citizens and our posterity require of us.

In general, CMAP envisions that actions proposed under the DRI rubric will fall into one of three categories relative to geographic scope: Category 1: Subregional (limited geographic scope) – effects which reach into immediately adjacent jurisdictions but no further. Category 2: Subregional (large geographic scope) – effects which reach beyond immediately bordering jurisdictions but may not impact the whole region. Category 3: Regional – massive effects that range across the entire CMAP region, e.g., new airport, new rail routes, new shopping malls, huge housing settlements, major new parks or other public works, etc. At each geographic scope, there may exist varying scales of intensity of the effects of a proposed action.

In summary, the DRI process, as CMAP interprets it, is a process to engender fact-finding, discussion among all appropriate parties (not simply the legally mandated parties). And it seeks to envision and achieve a healthy, vibrant region for the immediate and long-term future. The result of the DRI fact-finding and discussions would be the subject of public and Board review. A final report would be forwarded to all interested parties including the agencies which have the responsibility of issuing necessary permits.

That this process would take time is clear; the period required should vary with the scope and scale of the proposed action. Nevertheless, the time required to assure the long-term health and viability of the region is minimal in relation to the long-term and often irreversible effects of a proposed action; for example, habitations or infrastructure lasting 50 to 100 years or more; the effects of air quality leading to pulmonary impairment and diminished life-long capability in a community; or the isolation of a species leading to its extinction, i.e., forever. Other criteria which should be considered in reviews are: the degree to which a proposed action conforms with or departs from approved regional, county, or jurisdictional plans; changes in the carbon footprint;

increase or decrease in the ability to grow food locally, sustain a safe water supply, or generate energy in the region; increase or decrease in our ability to mitigate or adapt to global warming; proximity of affordable housing to jobs; and accessibility to all basic services by foot, bicycle or public transportation. Other pertinent criteria will surely arise in the course of a DRI review.

Outline of the DRI process

The process is comprised of three parts: a qualifying stage, a fact-finding and discussion stage, and a final determination stage.

1. Qualifying for a DRI Review - How does a request come before CMAP?

Requests for a DRI review of a particular proposed action may be made by:

- * Municipal or County resolution
- * A CMAP Board member or Executive Director
- * A majority vote of a CMAP Coordinating Committee
- * A majority vote of the Citizens Advisory Committee
- * A public or private project sponsor
- * A federal or state agency
- * Any taxing authority within the region

Citizens, private organizations, and other government agencies may request a DRI review by going through the above.

The request will detail, to the extent possible, the reasons that a proposed action is likely to pose a non-negligible threat to persons, natural resources, infrastructure, or quality of life beyond the jurisdiction in which the action is originally proposed.

Upon a nomination by one of the avenues above, CMAP staff will perform an initial review with available data and circulate its findings to the nominating organization and the jurisdiction(s) involved. Responses will be compiled and presented with a recommendation to the Board at one of its next two regular meetings.

2. Criteria that determine CMAP's time window for reviewing a nomination

The review for constructing a recommendation on a nominated project will be 60 days or less. That would allow for two full Board cycles and additional discussion with interested parties and some discussion among the working committees of CMAP. There are no exterior time lines or agency reviews which would limit or take the place of action on the part of the CMAP Board, restrict the timing of its actions, nor relieve CMAP of its responsibilities. Zoning changes and federal or state permits could themselves signal the need for nomination of a proposed project as a DRI if the proposed action had not previously come to light. During this nomination review period, CMAP staff would identify needed information and make an initial estimate of time

required to gather the data all of which would be included in the presentation to the Board. Other items to be included in the report on a nomination would be an initial list of the interested parties beside nominator and jurisdiction of origin, and an indication of the responsiveness of parties to providing data and engaging in discussion of the project. During the initial review, the staff should be alert for opportunities to present outcomes that would secure the healthiest possible conclusion of a DRI review.

3. Authorization by the CMAP Board for the staff to begin a full DRI review

Following presentation of staff recommendations regarding a proposed action nominated for DRI review, the Board would make one of the following choices: 1) This nomination does not seem to have significant effects beyond the jurisdiction in which it originates and a notice of No Further Action should be issued; 2) This nomination does have impact in category 1 or 2 but does not appear to have the scope or scale that would necessitate a full DRI review process; 3) This nomination does have impact in category 1 or 2 and may reach the scope or scale that would merit a full DRI review process, but CMAP does not have the resources available to undertake the review; 4) This nomination does have impact in category 1 or 2 and appears to have the scope or scale that would necessitate a full DRI review process, which the staff recommends; 5) This nomination is clearly of a geographic scope that will impinge on much or all of the region and staff recommends that CMAP should engage with a full DRI process; or 6) **This nomination meets one of the following thresholds (30,000 vehicle trips per day or equivalent, 2 million gallons of effluent, or 500 acres of additional hard surface) and therefore must be reviewed with a full DRI process; or 7) This nomination impacts criteria outlined in the report of the Environment and Natural Resources Committee and therefore must be reviewed with a full DRI process.**

In its authorization, the Board would also formally state that interested parties are required by statute to provide the information requested by CMAP staff. The staff would then engage in the extended fact-finding and analysis which is a central component of the DRI review. Staff would make reports of the status of the project at each Board meeting. The staff would also begin structuring necessary discussions between interested parties but would not conduct these sessions until the necessary information was collected and had been analyzed. Opportunities for collaboration and cooperation could be identified and discussed along with incentives where appropriate. Areas of disagreement would be clarified. New options could be laid out. Documentary records of these deliberations would be kept in detail.

4. Fact-finding and deliberation

All relevant material on the criteria outlined in the Overview section or such other material as is deemed useful to the review process (including proprietary procedures or techniques) would be made available to CMAP staff for their evaluation. All data would be available for public examination, save the proprietary material. Depending on geographic scope and scale of intensity of the proposed action, the data gathering would take one-two months and analysis another month. **The fact-finding would include material deemed relevant that might already be part of another review process, since none of the regulatory agencies have a regional scope of responsibility.** At this point, the deliberative phase of the DRI process would engage.

DRAFT For discussion only:

Suggested Alternative DRI Process, April 6, 2009, p. 5

The material gathered and resulting analyses would be shared with interested parties (save the proprietary material) so that discussions could be initiated and focused on the long-term viability and health of the region. Options of action, sharing of benefits, and opportunities to incent sustainable solutions would be worked out fully for the final report. It is assumed that the time frame for reviews of subregional Categories 1 and 2 would move more rapidly than Category 3 reviews.

5. Draft report of the DRI investigations

At the conclusion of the fact-finding and discussion phase, the staff would prepare a draft report to the Board. The report should contain specific information about the geographic scope of the proposed action and the intensity of its impacts. The matters covered should review the areas outlined in DRI and Incentives legislation. It should lay out the fact-finding procedures and results. At a minimum, the report should detail any affects on the environment, signaling special attention to critical areas or species, compliance with air quality standards, and availability of water supplies. In addition, the report should detail the original proposal's affects on prevailing density, transportation, land use patterns, public investments and other infrastructure, and impacts on human well-being. Impacts that are positive for regional health, sustainability, or well-being should also be reported. The draft should report in detail the discussions held and proposals advanced, if any, which might improve the proposed action's ability to contribute to the health of the region and its sustainability. The responses to those proposals should also be detailed. The Board would authorize circulation of the draft report for comment.

The draft report would be circulated to CMAP committees, interested parties, and to the interested public for comment and suggestions. The report would be the topic of public hearings in appropriate places and numbers. In the case of the region-wide Category 3, there would be hearings at several sites throughout the region plus at least one at CMAP headquarters. In the case of Category 1 (limited geographic scope), the hearings would be held in at least one adjacent jurisdiction, in the jurisdiction of origin, and one at the CMAP headquarters. Category 2 (moderate geographic scope) issues would merit public hearings intermediate between the two other categories. Following the committee reviews and public hearings, the staff would compile the results and attach them to the draft report with any necessary amendments, further recommendations, and prevailing agreements or disagreements.

6. Final Board review

The Board after reviewing all comments, would issue a final report, which would be forwarded to all relevant agencies. The comprehensive nature of the report and extensive input and comment from interested parties would provide important input to the agencies with the responsibility to make more specific regulatory decisions. A final incentive to be added to the project would be to provide testimony by the CMAP Executive Director or his designee before regulatory bodies, if requested to do so.

METROPOLITAN PLANNING COUNCIL



Mr. Randy Blankenhorn
Chicago Metropolitan Agency for Planning
233 South Wacker Drive
Suite 800, Sears Tower
Chicago, IL 60606

March 24, 2009

The Metropolitan Planning Council applauds the progress that the Chicago Metropolitan Agency for Planning has made since its inception just a few short years ago. We are grateful for the many collaborations between our organizations and fully committed to CMAP and its mission. As we work together on the challenges facing the region, CMAP's charge to define and develop a review process for Developments of Regional Importance (DRIs) becomes even more critical.

CMAP's recently released **DRI Process** document is an important step in meeting the goals contained in your authorizing legislation. We know this is no simple feat. MPC offers the following suggestions for your consideration as you, your staff, and your Board refine the DRI process and criteria.

1. Measure more

Historically, the Chicago region has trailed behind its metropolitan peers in measuring the comprehensive impacts of development – public and private, large and small. According to CMAP's statement, the "DRI process provides a new opportunity for regional partners to *comprehensively assess* the regional implications of large-scale development proposals, reconcile regional priorities associated with those proposals and coordinate independent actions in support of regional goals."

The current DRI proposal includes thresholds for review in three categories – increase in highway traffic, effluent, and impervious surface. These certainly merit assessment, but the implications of new development are much broader. MPC recommends that the DRI review criteria also include:

- Water consumption
- Energy consumption
- Greenhouse gas and airborne pollutant emissions
- Effects on arterial traffic and transit ridership

2. Redefine "large-scale"

The proposed thresholds for highway traffic, effluent, and impervious surface are too high. As it currently stands, very few projects would trigger a DRI review. Many developments in recent years have had significant regional impacts, but would likely not meet the proposed thresholds. This process should not be burdensome, but should guide the way developments are conceived and provide assistance and incentives for thoughtful implementation consistent with the regional vision.

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As CMAP's own research revealed, other states have lower thresholds for DRI review (see below). In Georgia's metropolitan regions, for example, residential developments of 400 or more units trigger a DRI. CMAP's current DRI criteria are estimated to apply to residential developments of approximately 5,000 homes. Developments of that scale, much like the Cantera office park in Warrenville (both of which are used as example projects for the traffic threshold), are exceptionally large, even among large-scale developments. They are the equivalent of 500-year floods – worth planning for, but unlikely to occur – while 20-year floods are what communities really need to prepare for.

CMAP should revise its thresholds downward, not for the purpose of inhibiting growth, but because developments need not be in the top 1% to be regionally significant. By adapting thresholds from other states, northeastern Illinois could move to the leading edge of sustainable development, which has proven its value in this troubled economy.

3. Place matters

The current iteration of the DRI review criteria does not account for the difference in impacts based on the location of the development. However, *where* development occurs is very significant – proximity to transportation and water resources have great bearing on the measurable impacts of new development. A more nuanced set of criteria would have lower thresholds for review in at least two geographic circumstances:

- The development is further than ½ mile from an existing rail transit station, and/or further than two miles from a major highway.
 - Rationale: Distance from transit or major highways would limit access, requiring infrastructure upgrades and increasing regional traffic congestion.
- The development is beyond the reach of existing Lake Michigan water supply infrastructure.
 - Rationale: Lake Michigan water is not available in all parts of the region, meaning that either new, costly infrastructure will be needed to extend the reach of that finite supply, or the development will rely on surface water and groundwater resources – which are increasingly strained by growing demand.

Long-term, MPC believes that DRI can be a useful process for ensuring that public and private developments are implemented in innovative ways, consistent with the established regional plan. Projects consistent with the regional vision should be rewarded with real, meaningful benefits, such as expedited permitting or a higher ranking in a competitive funding allocation process. MPC will continue to work with CMAP and other partners within the region, Illinois, and Washington, D.C., to create the reforms and rewards necessary to make that happen.

In the near-term, the onus is on CMAP and its regional partners to create a DRI system that is proactive and thorough. Getting the review criteria and thresholds right is critical.

MPC's goal – a more equitable, sustainable, and competitive Chicago region - motivates our desire to continue working closely with CMAP on improving coordination of significant public and private investment with an established regional plan.

We are eager to discuss our DRI comments in greater detail with you and your staff.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "MarySue".

MarySue Barrett
President
Metropolitan Planning Council

Georgia DRI criteria (metro vs. non-metro regions)

1000 parking spaces

Housing

400/125 new lots or units

Office space

400,000/125,000 gross sq ft

Commercial

300,000/175,000 gross sq ft

Wholesale/Distribution

500,000/175,000 gross sq ft

Industrial

500,000/175,000 gross sq ft

1,600/500 workers

400 acres/125 acres

Mixed-Use

400,000/175,000 gross sq ft

120/40 acres

Hospitals:

300/200 new beds

375 peak hr vehicle trips/day

Attractions/recreational facilities

1,500 parking spaces

Capacity > 600

Plus New Facilities for:

Airports

Waste Handling treatment

Wastewater Handling treatment

Water Supply Intakes/reservoirs

Intermodal terminals

Truck stops (3 diesel fuel pumps/10 parking spaces/.5 acre truck parking)

Florida DRI criteria

2,500 parking spaces

Housing

250-3,000 dwelling units (depending on county population)

Office space

600,000/300,000 gross sq ft

30 acres

Retail/Service

400,000 sq ft

40 acres

2,500 parking spaces

Wholesale/Distribution/Industrial

320 acres

2,500 parking spaces

Mixed-Use

Formula as % of land uses

Hospitals

600 beds

Attractions

Single event:

2,500 parking sp. + 10,000 seats

Serial event

1,000 parking sp + 4,000 seats

302 N. Chicago Street
Joliet, Illinois 60432



(815) 774-7480
Fax (815) 740-4600

Lawrence M. Walsh

Will County Executive

March 23, 2009

Randy Blankenhorn
Executive Director
Chicago Metropolitan Agency for Planning
233 S. Wacker Drive, Suite 800
Chicago, IL 60606

Dear Randy,

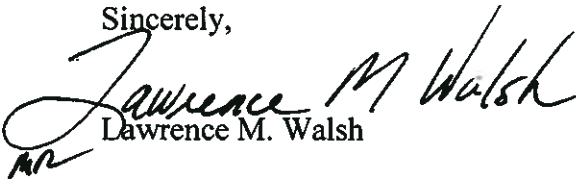
I recently received a copy of the Chicago Metropolitan Agency for Planning's (CMAP's) latest draft (2/20/2009) of the **DRI** proposal. I have carefully reviewed each of the draft proposals that have been released; unlike past proposals, I find the most recent draft to be acceptable.

The identification of thresholds allows for definition of the term DRI and removes the possibility of "cherry-picking" projects for regional scrutiny. Additionally, the thresholds proposed are much more congruent with creating a review process for truly large-scale projects that undoubtedly would have regional impacts. Additionally, this draft demonstrates a better overall outline of how the process would work and the 30-day deadline for preparation of the advisory report helps to insure a timely process that can be shared with local entities and citizens during their own local review processes. Most importantly, I do not find that the currently identified process will harm or hinder local development in Will County.

I support this process being used for a two-year trial period as you have indicated. However, I echo my statements from the past in saying that the DRI process must avoid the redundancy of duplicating existing local, state and federal project review and project environmental processes. It must also be fair and allow for continued local decision-making power and must add-value. Without a process that accomplishes these things, the DRI language should be revisited by the Illinois Legislature for removal from the CMAP enabling legislation.

I look forward to working with CMAP to make this a successful process for the present and the future.

Sincerely,


Lawrence M. Walsh

Cc: James Moustis, Chairman, Will County Board
John Greuling, CEO, Will County Center for Economic Development
Mayor Joe Cook, President, Will County Governmental League
Hugh O'Hara, Transportation Director, Will County Governmental League

From: Dave Bennett [mailto:dbennett@mayorscaucus.org]
Sent: Tuesday, February 03, 2009 12:32 PM
To: Jill Leary; jdeal@cityofchicago.org; Avery, Mark; Redden, Leanne
Cc: Randy Blankenhorn; Kermit Wies
Subject: RE: DRI version 2- preview

Jill:

Thank you for the opportunity to comment on the revised DRI document. I have three comments, two which are pretty basic, the other is more substantial.

First, I like the statement of CMAP's intent at the bottom of the first page. I think people will receive it in a positive way.

Second, I suggest adding the following sentence to the last paragraph in Section #1: "All requests will be submitted for approval by the CMAP Board as stated in Section 4 below."

I think it is important to point this out earlier in the document, even though Section #4 explains it well. It also adds to the positive vibe provided in the intent paragraph on the first page.

As for my more substantial comment, the document does not describe what happens after the advisory report is prepared. It's touched on somewhat in the FAQ under "What kinds of response might the CMAP Board give in its review?" I believe it needs to be further detailed in a new Section #6. People who use the DRI process or are affected by it are going to want to know this information.

Thanks again. If you have any questions, please call or e-mail me.

Dave

Dave Bennett, Executive Director
Metropolitan Mayors Caucus
dbennett@mayorscaucus.org
312.201.4505

From: Avery, Mark [mailto:MAvery@dupageco.org]

Sent: Tuesday, February 03, 2009 1:00 PM

To: Jill Leary

Cc: Randy Blankenhorn; Kermit Wies

Subject: RE: DRI version 2- preview

I believe the revision positively reflects the wishes of the PCC to model the ULI criteria/concept and will support it next week with the understanding that we offer a 30 day comment period and the two-year trial term.

Regarding Dave's comment, I am assuming the Advisory Report is issued to the person, agency, board, etc. who requested the review. I am further assuming how and if they opt to use the information is completely within their purview.

Good job.

Thanks,
Mark



175 W. Jackson Blvd. April 1, 2009

Suite 1550

Chicago, IL 60604

(312) 913-3200

www.rtachicago.com

Chicago Metropolitan Agency for Planning
Attention: DRI Public Comments
233 South Wacker Drive, Suite 800
Chicago, IL 60606

Dear CMAP:

Thank you for the opportunity to review the draft Development of Regional Importance (DRI) Process. In general, the premise and concept of the proposal is strong; however, there are some details of the process that we feel could be altered to improve the process and incorporate the effects of a DRI on the region's transit system.

Below are specific changes that we recommend:

The proposed DRI thresholds are too high. This will result in some developments which are regional in impact not being included in the process. One change that could be made to partially rectify this is presented below.

- "3. Thresholds that must be exceeded for CMAP to proceed with a DRI review.
At least ~~two~~ **one** of the following quantitative thresholds must be exceeded in order for CMAP to proceed with a DRI review:
- The project is estimated to generate or divert greater than 50,000 ~~auto vehicle~~ **person** trips (or truck equivalent) per day on the region's **highway transportation** system.
 - The project is estimated to add a net discharge of greater than 5 million gallons effluent per day.
 - The project adds greater than 500 acres of impervious paved surfaces and rooftops."

Also, we recommend changes to 5. A. c. Please ensure that this statement specifically incorporates entertainment venues and references transit. We recommend that it should read:

"5. DRI Advisory Report

The following steps compose the preparation by CMAP staff of the DRI Advisory report. A DRI Advisory Report is prepared only if the Board votes to accept the DRI review request. The DRI Advisory Report must be published within 30 days of the Board's acceptance of the DRI request.

- A. CMAP staff prepares an outline of advisory report topics to be evaluated along with an itemization of information needed to analyze the project (including but not limited to traffic estimates, site maps,

proposed uses and densities). The advisory report will seek to establish consensus on whether the proposal:

- c. Significantly affects operations on a regional transportation facility. Examples include major commercial, *entertainment*, industrial or warehousing developments sited for convenient access to expressways, ~~and~~ tollways, or *transit service*."

In addition to specific comments discussed above, there are some other parts of the criteria that we request receive further analysis and clarification, including:

- Details regarding "3. Thresholds that must be exceeded for CMAP to proceed with a DRI review... The project is estimated to generate or divert greater than 50,000 auto vehicle trips (or truck equivalent) per day on the region's highway system.
 - The statement "to generate or divert" does that include one way or two way trips? For example trips caused by Toyota Park, would a patron's travel count as one or two trips?
 - Is there is some type of trigger that would necessitate the need for transit? Threshold have been determined for automobiles and trucks, however it would be useful to establish a specific trigger for transit. This trigger is probably lower than the 50,000 auto (person) trips.
- Details within the "2. Criteria that determine CMAP's time window for reviewing a DRI" should to be clarified to address the following:
 - Private Developments – Can other non-zoning applications become the starting point for a DRI Review? Such applications could include annexation agreements, building permits, etc.
 - Public Developments – Clarification is needed to determine the exact meaning of "programmed for preliminary engineering". Does this mean that the projects are programmed in the Annual Element of the TIP or in the Multi-Year Program?

We appreciate the opportunity to participate in the development of a process for Developments of Regional Importance. If you have any questions regarding our recommendations, please contact myself or Nicole Nutter, Project Manager, at nuttern@rtachicago.org or 312-913-2840.

Sincerely,



Leanne P. Redden
Senior Deputy Executive Director
Planning and Regional Programs

-----Original Message-----

From: Weseman, Sidney

Sent: Wednesday, February 04, 2009 11:13 AM

To: Redden, Leanne

Subject: RE: DRI version 2- preview

Overall good. A couple of questions/areas for expansion 3. Thresholds Need to meet two of three: 50k auto trips generated or diverted, 5 mil gal effluent, more than 500 acres of roof or impen. surface area

Are these too high? Should it be meet one of three? Discussion of this point would be better with real world examples of DRIs in our area.

Would EJE acquis. qualify? Toyota Park stadium? 2016 Olympics? Major shopping Mall?

2. Timing

Generally after zoning application (pvt) or PE programmed (public) but prior to zoning approval or construction programmed /federal -state permits.

This may need to be sharpened up a bit. On the pvt side, are there other non-zoning applications which should be included? Annexation agreements or? (I don't know enough about this). On public side, for projects in TIP may want to define 'programmed' as AE not MYP. Also not sure about how to capture non-transport projects - what does programmed mean?

Sid Weseman, RTA

From: Dan Strick [mailto:dstrick@southstarservices.org]
Sent: Friday, April 03, 2009 9:31 AM
To: Tara Fifer
Subject: DRI Process Comments

Tara:

I have reviewed version 2 of the Developments of Regional Importance. I am a member of the CMAP Citizen's Advisory Committee so I have had the opportunity to be involved in the DRI discussion for several months. Overall, I think version 2 is a much better product. The proposed process is more streamlined. The comments I have heard is that the proposed process is much less intrusive and sets a high enough threshold so the focus remains on only the very largest projects.

I do have several other comments/suggestions.

1. Requesting a DRI Review

I do not believe the process to request a project review by CMAP should be changed from the way it is proposed in version 2. The process allows four different methods for a project to be requested for review. If another entity would like a project to be reviewed they can access one of the methods already described in the document.

2. Thresholds to Proceed with a review

I suggest changing the standard from requiring "two" quantitative thresholds to "one" quantitative threshold. The new process only allows for a project to be reviewed based upon three significant thresholds. Since each of the thresholds independently is of such a significant nature I think it is unreasonable for a project to meet two of the thresholds before it can be reviewed. Each threshold by itself would have a significant impact on the region, or part of the region, as to warrant a DRI review.

3. DRI Advisory Report

Version 2 specifies that a staff report will be published within 30 days of the Board's acceptance of a DRI. The report will focus on the five areas outlined in the proposed process (items a – e). When I look at the state statute enabling CMAP and the DRI process one component I see is the Board shall "review and comment on a proposed DRI regarding consistency with regional plans and intergovernmental and regional impacts". In my opinion, the report items a – e do not adequately address whether a project is consistent with regional plans. The 2040 Plan should be used to help comment on future DRIs and make sure local jurisdictions understand whether a DRI is consistent with the 2040 Plan or not. I suggest adding a new item:

5. DRI Advisory Report

A. f. Is consistent with regional plans as recognized by CMAP.

Thank you for the opportunity to comment on the DRI process.

Dan Strick
SouthSTAR Services
1005 West End Avenue
Chicago Heights, Illinois 60411
(708)755-8030 ext. 225
(708)755-8047 (f)
dstrick@southstarservices.org
www.southstarservices.org



Naperville

April 6, 2009

Tara Fifer
Chicago Metropolitan Agency for Planning
South Wacker Drive, Suite 800
Chicago, IL 60606

Re: DRI Public Comments

Dear Ms. Fifer:

The City of Naperville Planning Services Team has engaged in further discussion and review regarding the *Proposed CMAP Process for Addressing Developments of Regional Importance – Version 2*, released for public comment by CMAP on February 20, 2009. The city would like to offer the attached comments and questions regarding the proposed language and process for review by the Chicago Metropolitan Agency for Planning.

Thank you for your time and consideration. If you have any questions, please do not hesitate to call. I can be reached at (630) 420-6702 or forystekk@naperville.il.us.

Sincerely,

Katie Forystek
Community Planner
TED Business Group – Planning Services Team

cc: Suzanne Thorsen, Planning Team Operations Manager

Enclosure: Staff Comments

Process Section	Staff Comments
<p>1) Requesting a DRI review</p> <p>Requests that CMAP review a project may be made by:</p> <ul style="list-style-type: none"> • Municipal or County resolution • A CMAP Board member or the Executive Director • Majority vote of a CMAP Coordinating Committee • A public or private project sponsor <p>Citizens, private organizations and other government entities may initiate a DRI review via any of the above means.</p> <p>A standard request form will require sufficient supporting information to allow CMAP staff to certify that the request is legitimately made and the proposed DRI meets criteria and exceeds thresholds needed for the review to proceed.</p> <p>CMAP will notify jurisdictions with authority and affected property owner(s) of record of the request for a DRI review. Neighboring property owners and jurisdictions will be notified consistent with the method used by the jurisdiction with permit authority. The request will also be posted on CMAP's Website in a form permitting interested individuals to subscribe for e-mail notification.</p> <p>All requests will be submitted for review by the CMAP Board accompanied by the staff assessment outlined under item 4 below.</p>	<p>1) Define the following: (a) public sponsor (b) private sponsor</p> <p>2) Provide clarification between a private sponsor and a private organization or a citizen. Can a private sponsor be a resident? Criteria and a definition should be created to determine who is and is not an eligible sponsor.</p> <p>3) Notification: Who are the affected property owners? Affected property owners could be defined as hundreds of people/property owners on a regional scale. If large sums of people/property owners were not suspected to be affected, a project would then not be a DRI and no review or process would be necessary.</p> <p>What is trying to be achieved through the notification process completed by CMAP? Will CMAP hold a public hearing as a result of the notification? Who will field the calls and questions regarding the notices? If there is an entitlement process or public hearing already required as part of the local development approvals, what will be achieved through multiple notifications?</p> <p>Notification requirements can vary depending on the type(s) of approval(s) requested (i.e. annexation, rezoning, etc.) and the jurisdiction; CMAP should designate a uniform notification standard for their own processes to ensure all DRI notifications are completed under a standard and fair process.</p> <p>1) Public/Private Partnerships: Will these types of projects be exempt from this process (they are not currently addressed)?</p> <p>2) Privately Funded Developments: How is vested defined? This is</p>
<p>2) Criteria that determine CMAP's time window for reviewing a DRI</p> <p>These criteria are applied depending on whether the request is to review a private or public project.</p>	

<ul style="list-style-type: none"> For privately funded developments, requests for a DRI review are accepted by CMAP staff only after the relevant zoning change application has been filed with the local governments with jurisdiction. DRI designations must be made prior to development rights being vested by the appropriate local government using its zoning authority to permit the proposed use by right. For publicly funded developments, requests for a DRI review are accepted by CMAP staff only after the project is programmed for preliminary engineering. DRI designations must be made prior to the project being programmed for construction. If all necessary federal or state permits are already issued then CMAP will not review the development under the DRI process. 	<p>very ambiguous and can lead to a wide variety of interpretations.</p> <p>3) Publicly Funded Developments: Further define and identify criteria for “preliminary engineering” and “programmed”. Projects can be and often are programmed simultaneously for preliminary engineering and construction prior to preliminary engineering beginning (i.e. in the form of Capital Improvements Plan, Comprehensive Plan).</p>
<p>3) Thresholds that must be exceeded for CMAP to proceed with a DRI review.</p> <p>At least two of following quantitative thresholds must be exceeded in order for CMAP to proceed with a DRI review.</p> <ul style="list-style-type: none"> The project is estimated to generate or divert greater than 50,000 auto vehicle trips (or truck equivalent) per day on the region’s highway system. The project is estimated to add a net discharge of greater than 5 million gallons effluent per day. The project adds greater than 500 acres of impervious paved surfaces and rooftops. 	<p>1) What are these threshold criteria based upon (aside that they appear similar to UL’s suggestions)? Provide examples of previous projects that would have exceeded these thresholds that have been impactful on the region? Is there data that shows projects of these scales have been impactful (i.e. traffic studies)? If so, in what ways does CMAP feel that the DRI Process (if in place at the time) could have resulted in a positive change for these DRI’s?</p> <p>2) Quantitative Thresholds: How will it be determined that these thresholds are exceeded? Who will be responsible for proving that the thresholds are or are not met or exceeded? Will the responsibility be placed on the project owner?</p> <p>3) Bullet Point 1: Define divert.</p> <p>4) Public or rapid transit projects have not been addressed specifically.</p>

<p>4) DRI designation by the CMAP Board</p> <p>The following steps compose the DRI Review by the CMAP Board.</p> <p>A. CMAP staff prepares documentation certifying that:</p> <ul style="list-style-type: none"> • The DRI request has been properly made. • Criteria to review within the proper time window are met. • DRI thresholds are exceeded based on reported characteristics of the project. <p>B. The DRI request and the staff documentation is placed on the agenda for the next regular Board meeting.</p> <p>C. After discussion, the Board votes to accept/reject the DRI review request.</p> <ul style="list-style-type: none"> • By accepting: The Board is directing CMAP staff to conduct an evaluation and prepare an advisory report within 30 days. • By rejecting: The Board is directing CMAP staff to issue a statement of no further action on the request. <p>D. CMAP will notify jurisdictions with authority and affected property owner(s) of record of the Board's decision. Neighboring property owners and jurisdictions will be notified consistent with the method used by the jurisdiction with permit authority. The Board's decision will also be posted on CMAP's Website in a form permitting interested individuals to subscribe for e-mail notification.</p> <p>J5) DRI Advisory Report</p> <p>The following steps compose the preparation by CMAP staff of the DRI Advisory report. A DRI Advisory Report is prepared only if the Board votes to accept the DRI review request. The DRI Advisory Report must be published within 30 days of the Board's acceptance of the DRI request.</p>	<p>1) Point C: The CMAP Board has the ability to reject a DRI review even if it meets all the criteria? As written, the CMAP cannot direct CMAP staff to prepare an Advisory Report if a project does not exceed the required thresholds, can this be overridden and reviewed by the CMAP Board in any situation?</p> <p>2) Point D: See previous comment in Section 1 regarding the public notification provision and process.</p>
<p>J5) DRI Advisory Report</p> <p>The following steps compose the preparation by CMAP staff of the DRI Advisory report. A DRI Advisory Report is prepared only if the Board votes to accept the DRI review request. The DRI Advisory Report must be published within 30 days of the Board's acceptance of the DRI request.</p>	<p>1) Point A: What will an Advisory Report's results produce (i.e. recommendations, a determination, etc.)? What will be the effects and outcome of producing an Advisory Report?</p> <p>Major concerns are the time and additional process that could be imposed on a project as a result of the proposed DRI Process, what</p>

<p>A. CMAP staff prepares an outline of advisory report topics to be evaluated along with an itemization of information needed to analyze the project (including but not limited to traffic estimates, site maps, proposed uses and densities). The advisory report will seek to establish whether the proposal:</p> <ul style="list-style-type: none"> a. Significantly affects important features of the natural environment. b. Significantly changes prevailing development density. Examples include large new developments that might place unexpected burdens on water supply, sewer, storm water and local road systems. c. Significantly affects operations on a regional transportation facility. Examples include major commercial, industrial or warehousing developments sited for convenient access to expressways and tollways. d. Significantly changes existing land use patterns. Examples include substantial conversion between agricultural, residential, commercial and/or industrial uses. e. Affects the function or performance of a planned or existing public investment. <p>B. If CMAP staff does not currently have access to needed data, a request is made to jurisdictions with authority. At their discretion, the jurisdiction may pass the request to an appropriate provider of the data. In any case, CMAP staff will proceed with preparing the advisory report with the best available data.</p> <p>C. CMAP staff will formally submit the report to the CMAP Board. CMAP will notify jurisdictions with authority and affected property owner(s) of record of the advisory report publication. Neighboring property owners and jurisdictions will be notified consistent with the method used by the jurisdiction with permit authority. The publication will also be posted on CMAP's Website in a form permitting interested individuals to subscribe for e-mail notification.</p> <p>6) Closing the DRI review</p>	<p>does CMAP and the DRI Advisory Report offer in terms of expertise that a single jurisdiction does not provide as part of the development review process?</p> <p>There are no criteria for evaluating a DRI against CMAP's or a local jurisdiction's Comprehensive Plan(s). How will these two documents be used in the evaluation and Advisory Report creation? It seems that these should be two major factors considered.</p> <p>2) Point B: How long will the "jurisdiction" have to provide CMAP with the requested data? The process states "At their discretion, the jurisdiction may pass the request to an appropriate provider of the data". Who bears the cost of seeking an outside data provider?</p> <p>The 30 day timeline for data collection, analysis and reporting seems unattainable. What happens if the report is not completed in the 30 day time period?</p> <p>Proceeding with a report when you do not have the necessary data will not produce accurate/reliable/credible results.</p> <p>3) Point C: See previous comment in Section 1 regarding the public notification provision and process.</p>
	<p>1) What will be the threshold for "substantially changed"? Criteria should be developed to ensure multiple reviews of the same</p>

<p>The DRI process is considered complete once CMAP publishes the advisory report or issues a No Further Action statement. CMAP will not accept repeat requests to review a project unless the scope or scale of the project has substantially changed.</p> <p>The CMAP Board may hold subsequent discussion on the subject matter of the advisory report at its discretion.</p> <p>Miscellaneous Comments/Questions</p>	<p>project are not left up to CMAP's interpretation of "substantially changed".</p> <ol style="list-style-type: none"> 1) The process should outline definitions for key terms throughout the document, including a definition for a Development of Regional Importance. 2) The process should outline a clear purpose and intent, goals and the means for achieving these things. 3) Will CMAP still participate in the public process after a report is issued (i.e. provide testimony at a public hearing)? 4) If CMAP publishes recommendations as part of an Advisory Report, what are the repercussions if these recommendations are not followed or considered? 5) What if a jurisdiction moves forward with the entitlement process prior to CMAP action on a potential DRI? 6) Will each jurisdiction be responsible for bringing proposed projects forward that are known to meet and exceed the thresholds for a DRI?
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I am taking the liberty of sending this to my colleagues on the Citizen Advisory Committee because my comment goes into greater depth than our tight 4/6 agenda allows.

Overview: DRI is an essential review process to recreating our metropolitan area so it achieves all those good things we anticipate creating on the road to 2040.

Unfortunately, the current DRI debate won't get us to those good things. Regrettably, the debate has not addressed the fundamental issues that make regional planning necessary: the inability of municipalities to resolve issues such as pollution, sprawl, congestion, flooding, and, increasingly, cost controls on services that the public expects.

In what I call DRI's Phase 1, some progress has been discussing what the region can do to assist in the permitting process.

We now enter a Phase 2 in which the discussion starts more seriously and ends with a few showcase analyses of how DRI improves planning for municipalities and the region. But, Phase 2 starts as a strategic retreat. This retreat is needed for two basic reasons discussed below: the political; and the practical.

The political reason for this strategic retreat is the region's two most powerful groups have indicated, between-the-lines, that they do want the DRI.

The first group was the mayors. In re-reading their responses summarized in the 12/3 memo "Stakeholders Comments," the various Mayors councils treated the DRI proposal neither fairly nor with a sufficiently open-mind, given that Illinois clearly wants municipalities to make their permitting decisions with an eye toward how they impact the region. While rarely embracing DRI as a process that they can improve, municipal officials instead harped mostly about the thresholds for DRI reviews. Their lack of constructive criticism tells me that they do not want to work collaboratively with DRI.

Weakened by the key players who grant the permits to build, DRI receives its second between-the-lines rejection by those who actually build. ULI offers to "help" the proposal's impasse. ULI's panel recommends setting this threshold so high that the DRI, effectively, would only be used for very large projects like an airport; an event that happened twice in the previous century. This gives DRI a very, very, very limited future.

It seems that the two most powerful players (besides state government) have acted, in concert, to protect their narrow interests by trying to gut an important

effort to bring balanced growth to the region. In brief, it appears to me to be a very effective one-two punch. More to the point, we are coming to recognize that both groups tend not to act in the region's best interest. Yet we clearly need a regional response to cross-jurisdictional problems of pollution, flooding, congestion and declining services.

Given this impasse, there also is only one political remedy: more assertive action by Illinois. Some municipalities act as if they have forgotten that permitting is a police authority granted by the state. During our strategic regrouping, Illinois must intervene and force municipalities to treat DRI seriously. Barring the near-miracle of a legislative directive, at least the bicameral leaders and Governor need to issue some "directive" to municipalities. This can be done within the nice-nice context of a Commission's study and/or conference that creates a seminal document that reminds municipalities the state wants permitting to consider its regional impact. This would be consistent with Mr. Blankenhorn's warning during the EJ&E context (and I hope I paraphrase correctly) "either we plan the region together or Springfield will." We are at an important point in history. During the 20th Century, Illinois gave municipalities too much authority and now the region is suffering. We cannot meet the challenges of this new Century if cities do not take seriously the consequences of their permitting authority. And if they don't learn to act regionally, then the state will have to take back some of its authority.

In our strategic retreat, we will find that developers respond more progressively if DRI is repackaged as "doing the right thing" and sweetened with a menu of incentives that developers can choose from. Our fellow Citizen, Dr. Paul Heltne, has offered a fine 4 page analysis and synthesis of DRI. (I hope everyone has the opportunity to read this.) Of its many contributions is this repackaging that includes incentives. He suggests two that developers often like: speeding up the permitting process; and waiving some permit fees. Both incentives are known to reduce the industry's resistance to review by another agency.

I add two more incentives to get developers to build Smart Growth for the region. The first incentive is density bonuses. This has been used most recently in Chicago (and other large cities) to improve affordability. Allowing a developer to increase the number of units in a project has the multiple benefits of being the easiest way to reduce the per unit cost of land and investor risk. Density bonuses also are certainly needed to jump start an industry mired in depression. Another incentive is to offer an imprimatur that makes developers look good. While CMAP may hesitate to get involved in this, there is a national

standard now emerging in a beta test. You probably are familiar with LEED-ND or LEED for Neighborhood Development. If the success of its parent (LEED for energy efficiency) is any guide, LEED-ND is certain to become a sought-after standard with lots of marketing cache. While homebuilders will not be as swift to adopt innovation as are building operators avoiding energy costs, many homebuilding trends prior to the depression indicated that LEED-ND (in part led by density bonuses) will be quickly adopted.

To get developers and cities on-board with DRI, the repackaging probably should be completed during Phase 2's strategic retreat. The package and some actual DRI Reviews should be prototyped among those few cities that are initially sympathetic to a regional review. With some prototype successes, DRI will more easily remind cities and builders of the advantages of this review process. It is easier if regional impact analyses are marketed as "doing the right thing." Since Randy Blankenhorn introduces CMAP to citizens as a "campaign", CMAP should consider changing DRI's name to something like "The Campaign to Save The Regional Environment and Restart The Economy." This repackaging gives regional reviews a chance to prove itself and can be done over a few months.

But in order for the re-packaging to resonate so cities play ball, Illinois' leaders also must assert the state's constitutional role in permitting. The DRI debate is mired in muck because no one talked about the 800 pound gorilla in the room. Municipalities feared the gorilla would take away its permitting authority. ULI feared the gorilla would delay permitting and increase costs. By defining CMAP's DRI role, Illinois will assure all parties that its "gorilla" is doing necessary regional planning and is, instead, everyone's friend.... and pretty darn smart, too.

There are many practical reasons for a strategic retreat to prepare for Phase 2. I briefly list them now. Largely speaking, the following is basic priority-setting.

a) CMAP needs to stabilize its funding. There is no funding for two key programs (the regional water survey and technical assistance to small jurisdictions). Worse, we just learned that the new Governor and his budget chief need to be reminded of CMAP's importance and restore some other basic funding. Renewed funding actually is a far more important use of CAC's time than DRI (and in looking at my Comment's length, I obviously have not got my priorities straight either.)

b) CMAP needs to focus on maximizing the stimulus of the regional economy.

The flood of federal money coming into the region is both the historical and immediate rationale for CMAP. We must make the most of this opportunity to prove to counties and municipalities that technical assistance from a regional body helps everyone.

c) CMAP needs to focus on getting the 2040 Plan done. With its current trajectory, I don't see the 2040 Plan getting done in 2010. This is another discussion, but this is my quick opinion:

- * the research is too abstract and needs to be re-integrated so each study solves multiple, cross-disciplinary problems;
- * the analysis of the region's problems are too imprecise and, then, need to be simplified down to the practical level of household and fiscal costs;
- * the 4 scenarios need to be focussed to a maximum of two scenarios (current projections and envisioned future), so one can be chosen; and
- * CMAP needs prototypes to prove it can help jurisdictions, so they stop dragging their feet and, instead, become active participants.

Bottom Line of this Comment:

- * **DRI is strategically important, but needs to be put in perspective..... ;**
- * **Phase 1 taught us that the state must now clarify who is boss;**
- * **Phase 2 starts as a tactical retreat that repackages DRI into a "campaign" that incentivizes developers, yet re-starts with the weight of state authority;**
- * **and all this should be done within the perspective that DRI for the next 18 months is a tertiary priority.**

Thanks for your patience in making it to the end of this analysis.

Sincerely,
Robert Munson
robertmunson@earthlink.net

From: jean egerman [mailto:jean_egerman@yahoo.com]
Sent: Monday, March 09, 2009 5:03 PM
To: Tara Fifer
Cc: John Allen; angie322@sbcglobal.net
Subject: DRI Public Comments

After reviewing Developments of Regional Importance Version 2 (DRI2), I would like to submit the following comments and possible modifications.

These comments include the opinions of members of the Citizen's Advisory Committee for CMAP.

Comments:

- 1) Thresholds are too high
- 2) Thresholds do not account for population density
- 3) Projects hit a "dead end" when the CMAP Board decides No Further Action is necessary.

Recommendations:

- 1) Add a population component to the thresholds.

As the document stands, the only reference to people is in the Background section. By adding a population consideration to the Thresholds, you could address concerns such as education, economic development, housing, human services and water supply. It appears that transportation and land use are the only measures for a DRI.

- 2) Add a second level of support for projects that are not recommended for further action.

Any DRI project reviewed by the CMAP Board would benefit from the assistance available through CMAP. Perhaps CMAP could assist the Council of Mayors in establishing collaborations for projects that do not meet the threshold for a DRI.

Please compliment the authors of DRI2 on a well-written document. It is very clear and concise.

Regards,

Jean

Jean Egerman
708-453-8426 (home)



STORMWATER MANAGEMENT COMMISSION

333 Peterson Road, Libertyville, Illinois 60048

April 6, 2009

Chicago Metropolitan Agency for Planning (CMAP)
233 S. Wacker Dr., Suite 800
Chicago, IL 60606

Dear Mr. Blankenhorn:

The Lake County Stormwater Management Commission (SMC) has been actively reviewing and discussing the Developments of Regional Importance (DRI) process and evaluation thresholds and offers the following comments on DRI version 2.0 review thresholds.

- SMC supports the revised thresholds developed by CMAP's Environmental and Natural Resources (ENR) Committee. These thresholds are far more realistic for identifying developments of regional importance (DRIs) than those proposed in version 2.0, which were set far too high to actually capture a number of significant developments that have regional impacts for review. Under the threshold criteria proposed in version 2.0, DRI reviews would be rare indeed. For example under the impervious cover threshold criteria, developments such as Gurnee Mills (2nd most visited site in Illinois), Six Flags (six highest visitation in Illinois) and Woodfield Mall (most visited site in Illinois – 27 million annual visitors) would not qualify as DRIs under the proposed version 2.0 threshold criteria. See development-specific data for examples below:

Development	Site area	Impervious acres	DRI 2.0 meets 500 ac impervious condition	ENR meets 100 ac impervious condition
Six Flags Great America	293			
Buildings		17.12		
Pavement		101.55		
Six Flags TOTAL		118.67	NO	YES
Gurnee Mills Mall	299.93			
Buildings		51.81		
Pavement		119.4		
Gurnee Mills TOTAL		171.21	NO	YES

It must also be noted that each of these major developments generated considerable surrounding development in the form of adjacent strip malls, hotels, restaurants, big box stores, residential etc. creating considerably more impervious surface and runoff impacts. These associated developments individually would not be captured by the DRI process, but cumulatively have created a significant impact on water resource quality and the quantity of runoff to the Des Plaines River, which has been identified as having impaired water quality and is well known to have frequent flood damage.

- SMC also supports the ENR committee recommendation to change the version 2.0 DRI qualification that at least 2 threshold criteria need to be met to trigger a DRI to a requirement that only one of the revised threshold criteria need to be met to trigger a DRI review. This recommendation is based on comparative analysis by CMAP staff that indicates that a number of regionally significant developments only meet one of the threshold criteria.

Other Version 2 DRI process/content comments include:

- Please add a definition of “regional impact”. “Regional” may be defined as affecting two or more jurisdictions to affecting the entire Chicago region – or something in-between. Also describe what associated with a development may create an impact. This could be an economic impact, worsening traffic congestion, intercommunity inequity, physical barrier, environmental/ natural resource harm etc.
- Please delete the following sentence from p.2 “DRI designations must be made prior to development rights being vested by the appropriate local government using its zoning authority to permit the proposed use by right”. If the time window needs more specificity, the point that the review should be done is before or concurrent with local government plan commission review of the preliminary plat, or an equivalent process by the community corporate authority in communities that don’t have a plan commission. The DRI review addresses how a development occurs, not necessarily whether it should occur in a particular location or not, which is generally up to the local land use authority, therefore the “how” it occurs is decided in the development review and permitting process not when the land is zoned.

Thank you again for providing the opportunity to comment on the DRI process.

Sincerely,



Patricia Werner, AICP, CFM
Planning Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chicago Ecological Services Field Office
1250 South Grove Avenue, Suite 103
Barrington, Illinois 60010
Phone: (847) 381-2253 Fax: (847) 381-2285

IN REPLY REFER TO:
FWS/AES-CIFO/

April 6, 2009

Mr. Randy Blankenhorn
Executive Director
Chicago Metropolitan Agency for Planning
Attention: DRI Public Comments
233 South Wacker Drive, Suite 800
Chicago, IL 60606

Dear Mr. Blankenhorn:

This provides our comments on Proposed CMAP Process for addressing Developments of Regional Importance (DRI) –Version 2 (Draft 2). This draft is entirely different from draft 1 in that draft 2 provides thresholds, and tightens timeframes during which a DRI review could be requested. Draft 2 does not provide for any review of impacts to natural resources and is so limited that it is unlikely that any development will be determined to be a DRI during this initial 2 year trial period.

The draft indicates that a DRI may be brought before CMAP's board by a municipal or county resolution; a CMAP board member or the Executive Director; the majority vote of a CMAP coordinating committee; or a public or private project sponsor. We recommend expanding this list to include the County Conservation Districts and Forest Preserves. These entities often hold some of the best remnants of natural habitat, and are very knowledgeable about the kinds of impacts that can occur as a result of various kinds of development. The entities listed in Draft 2 often lack expertise in ecology and other fields necessary to identify and evaluate impacts to natural resources, particularly secondary or indirect impacts that may extend far beyond a development site.

The draft establishes a tight timeframe for requesting a DRI review. The review must be requested after the application for local zoning changes, but before the developer assumes they have the right to develop the property by virtue of a local zoning decision. We recommend expanding this time window to allow CMAP to review developments before the developer has secured all permits. CMAP's expertise could help developers and local planners improve a development during project planning phases after a local municipality had zoned an area for industrial development, or for single family homes. We suggest that the opportunity for requesting a DRI review be extended up to the preliminary engineering phase consistent with the timeframe for public projects.

Mr. Randy Blankenhorn

2

Version 2 established thresholds for defining DRI's. A DRI would need to exceed two of the following thresholds to be considered: 1) The project is estimated to generate or divert greater than 50,000 auto vehicle trips (or truck equivalent) per day on the region's highway system; 2) the project is estimated to add a net discharge of greater than 5 million gallons effluent per day; 3) the project adds greater than 500 acres of impervious paved surfaces and rooftops.

Mr. Jesse Elam of your staff examined several developments to determine which of the thresholds would have been exceeded. He found that only Midway Airport and O'Hare Airport exceeded two of the thresholds (car trips and surface area). Several other developments exceeded car trips, but did not exceed impervious surface area or sewage effluent. None of the developments he evaluated would have added a net discharge of greater than 5 million gallons of effluent per day. Developments such as Woodfield mall and Six Flags Great America would not have met the criteria for being developments of Regional Importance.

The Environment and Natural Resources committee met and developed an alternative set of criteria, which address impacts to natural resources. The criteria include lowered threshold for impervious surface area when a development is close to an INAI site or a high quality stream. The criteria include a Facility Planning Area of 1000 acres or greater because at that scale CMAP's expertise could improve the overall quality of a development and lessen impacts to natural resources. Under the thresholds proposed by the ENR, it seems likely that CMAP would be asked to review DRI's. We recommend adoption of the ENR thresholds.

We also recommend giving serious thought to the potential benefits of conducting a DRI review. The enabling legislation asks CMAP to develop incentives for sustainable development. Incentives to use best management practices and design projects to avoid the most environmentally sensitive areas could become a natural out come of the DRI process.

We look forward to continuing to work with CMAP on the DRI process and on developing incentives for truly sustainable development. If you have any questions, please contact Karla Kramer at (847) 381 2253 ext. 12.

Sincerely,



John D. Rogner
Field Supervisor

**NORTHWEST MUNICIPAL
CONFERENCE**



***Celebrating 50 Years of
Excellence in Local Government Service***

April 6, 2009

The Honorable Gerald Bennett
Chairman, Chicago Metropolitan Agency for Planning
233 South Wacker Drive, Suite 800
Chicago, IL 60606

Dear Chairman Bennett,

Thank you for the opportunity to comment on CMAP's proposed Developments of Regional Importance (DRI) process. The Northwest Municipal Conference, which has a membership of 47 municipalities and one township with a combined population of over 1.3 million residents, appreciates the value that CMAP places on municipal input.

The NWMC would like to voice its support for the revised version of the DRI process. The revised version contains a clear process for determining which projects qualify as a Development of Regional Importance while preserving the interests of municipalities. The members and staff of the NWMC appreciate the work that CMAP staff and the Urban Land Institute put into the new process and thank Executive Director Randy Blankenhorn and Deputy Director Don Kopec for presenting the new draft at the Conference's Transportation Committee and Board meetings.

Thank you again for your consideration of our comments as this regional process was being developed. If you have any questions, please contact Mark Fowler, Executive Director, at 847-296-9200, ext. 25.

Sincerely,

Karen Darch
President, Northwest Municipal Conference
President, Village of Barrington

Cc: NWMC Board
NWMC Executive Board
NWMC Transportation Committee

MEMBERS

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Executive Director

Mark L. Fowler

*Affiliate Member

Current DRI Version Concerns

Anja Claus
Master Student of Geography and Environmental Studies
Northeastern Illinois University

Concern #1: How can we recognize developments of regional importance if we have not linked this process to our regional vision and plan?

The DRI review should be initiated for projects not consistent with our regional plans (APA, p.5-55). Are we currently implementing the previous NIPC 2040 plan? If so, perhaps the following strategies from that plan could inform the DRI thresholds. The 17 strategies are as follows:

1) Encourage redevelopment, reuse, and infill; 2) Achieve a balance between jobs and housing; 3) Provide affordable housing; 4) Promote livable cities; 5) Promote economic vitality; 6) Promote diversity and inclusiveness; 7) Promote compact, mixed-use; 8) Promote telecommunications infrastructure and technology; 9) Promote walking and bicycling as alternative modes of travel 10) Ensure that transportation facilities are context-sensitive with natural resources, historic resources, and community values; 11) Coordinate land-use and transportation; 12) Maximize use of existing infrastructure; 13) Protect water resources; 14) Plan for sustainable water supply from ground, surface, and Lake Michigan sources; 15) Protect and enhance biodiversity; 16) Enhance and connect green areas; 17) Preserve farmland.

A DRI review should be initiated if a development or policy does not successfully address these strategies. If, however, we are not utilizing the current NIPC 2040 Plan, we ought to be using the newly adopted GoTo2040 Vision statement to inform threshold criteria.

Interestingly, in the previous Programming Coordinating Committee (PCC) version of the DRI, CMAP staff suggests that the process “advises on a project’s consistency with regional planning policies; [and] the range of legitimate concerns can be construed as encompassing any topic within CMAP’s strategic vision,” (CMAP, p.4); whereas “the ULI process prescribes a regional review only in the case of projects that far surpass the supposition of localized impact. The thresholds are purposely set at such a high level as to easily dismiss any argument against the ‘regional’ effects of a proposal” (CMAP, p.4).

Concern #2: Rigid thresholds are likely to be obsolete within a short time period.

Our knowledge base as well as our current political, economic, social, and environmental circumstances, experience rapid change, that to set such constricting limits will inhibit the region from responding appropriately to this change. Consistent with the previous concern, it is fitting to have a framework that can inform a DRI review versus having a list of numerical thresholds.

It might be relevant to explicitly state within the DRI that the thresholds be reviewed, as is the regional plan, to continuously adjust for development trends and project impacts (APA, p.5-55) as well as for current scientific understanding and shifting circumstances.

Concern #3: As the DRI stands, it is inconsistent with the legislation 70 ILCS 1707 section 45.

The legislation states that the CMAP Board should consider the impacts on natural resources, neighboring communities, and residents. The inconsistency of the draft lies in the current version’s absence of an entity to request a DRI review on behalf of natural resources: including our already compromised air quality, water quality, soils, agricultural lands and floodplains. Can we rely on entities currently allowed to request a DRI review- Municipalities and Counties, CMAP Board members and the Executive Director, majority vote of a CMAP Coordinating Committee, and the public or private project sponsor – to determine if an action or policy would affect an important natural resource? I would suggest adding additional players to the list including ILEPA, ISWS, USFWS Region 5, Forest Preserve and Conservation Districts as well as watershed groups that have working knowledge of impacts on regional natural resources.

Concern #4: How do current thresholds capture impacts from infrastructure investment, major policies and actions?

As CMAP staff indicates in their 'Stakeholder and Public Outreach Comments & Next Steps' report given to the PCC on January 14, 2008 (p.2), the ULI report, V2 identifies only major transportation projects and land-use developments with increased traffic and storm and wastewater impacts. According to legislation 70 ILCS 1707 section 45, however impacts from infrastructure developments and policies must also be addressed.

Concern #5: Thresholds should vary by locality, taking into account factors that include population and development characteristics (APA, p. 5-55).

Population densities and development characteristics vary significantly throughout the region. If these qualities are dissimilar from one locality to the next, then project criteria, which trigger DRIs, need to reflect this diversity.

Concern #6: Thresholds need to reflect our regional concern for loss of crucial agricultural land and aquifer recharge areas.

Northeastern Illinois is rapidly losing some of the best agricultural lands in the country. Our regional groundwater quality and quantity are also in question. Therefore, projects that pave over these open areas are developments of regional significance. The Natural Resource Information reports provided by the Soil and Water Conservation Districts could facilitate in identifying specific thresholds that satisfy these concerns.

Concern #7: DRI review can easily be avoided by targeting projects to fall just below a threshold criterion:

"The ULI process allows marginally different projects to be subjected to radically different handling; e.g. traffic or water impacts falling just below the pre-determined threshold escape review, while impacts just above the thresholds are subject to review"(CMAP, p.3). This most certainly will lead to significant regional projects that go "under the radar" by rescaling to slide just below the threshold. The suggestion by CMAP staff that "a casebook of precedents be developed to guide and defend subsequent decisions" (CMAP, p. 3) for DRI review by the Board is a more encompassing alternative for DRI evaluation.

References

American Planning Association (APA). 2002. *Growing Smart Legislative Guidebook 2002 Edition*

Chicago Metropolitan Agency for Planning (CMAP). 2009. "Re: Developments of Regional Importance (DRI) Process DRAFT document: Stakeholder and Public Outreach Comments & Next Steps."

January 14. <http://www.cmap.illinois.gov/programming/minutes.aspx>

Dear Ms. Fifer and Others it May Concern:

The American Planning Association – Illinois Chapter (APA-IL) applauds the Chicago Metropolitan Agency for Planning (CMAP) for working toward the realization of a coordinated vision for, and assessment of the impact of land use on, our region. In its 2002 *Growing Smart Legislative Guidebook*, APA provided one of the most comprehensive looks at development of regional importance (DRI), their use and their criticisms. Having reviewed the DRI process as detailed in CMAP's version 2, we believe progress has been made to address some of the key issues noted by APA. However, much more work needs to be done to achieve our combined goal of balancing state, regional and local issues.

A DRI, as defined, is a large-scale development proposal that has the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or the natural environment. We concur that it is time for our region to have in place a process that provides an opportunity for regional partners to comprehensively assess the implications of large-scale development proposals, reconcile regional priorities and coordinate independent actions in support of regional goals. Examining these impacts from the regional perspective offers the potential to help improve a proposal through coordinated actions among affected jurisdictions. But, there seems to be somewhat of a disconnect between these stated goals, and the process as delineated in Version 2.

In its *Growing Smart* publication, APA notes that one of the strongest criticisms of DRI programs are the subjective nature of the review criteria used to determine which projects are DRI; and the lack of connection to a larger planning effort. CMAP is currently developing the first regional plan for the seven-county region, with its *GO TO 2040* project. However, there is nothing within the review process to refer or address consistency with 2040 Plan policies. This disconnect should be easily rectified by making a clear connection between the 2040 Plan and DRI program and process. Other regional documents, such as the Green Infrastructure Vision Plan and Common Ground plans and policies should also be utilized in the assessment and review of potential DRIs.

More troublesome are the thresholds. First, they do not address DRI that are "major policies and actions by public and private entities." Nor, do they reflect potential impacts on natural resources (e.g. water usage). These thresholds are also too high to be of any real value. As proposed, a DRI must meet two of the three thresholds: 500 acres of **added** impervious service, 50,000 vehicle trips/day, and 5 million gallons/day effluent discharge. Under this scenario Woodfield Mall, Prairie Stone Business Park, the expansion of O'Hare Airport and the anticipated Olympic projects would **not** be considered DRI. How can that be? Aside from a new regional airport, what project might meet two of the three thresholds? They should be lowered, and/or the process should be adjusted so that meeting one of the thresholds would initiate the DRI review. Thresholds that describe impacts (e.g. fresh water usage) on the natural environment should also be incorporated.

There is no mention in procedure of whether CMAP Board makes any decision of support for DRI project, or recommendations related to it. The process concludes when CMAP issues its

Advisory Report or issues a No Further Action Statement. This seems limited. The CMAP Board “may hold subsequent discussion on the subject matter of the advisory report at its discretion.” But where are the criteria for approvals or denials? Are there exemptions, and standards for such exemptions, which can meet real world expectations? As drafted currently, the review process would be initiated after preliminary engineering, but would not be conducted if federal or state approvals are obtained. This would eliminate virtually **any** federal highway, congestion mitigation or other similar project. Additionally, outside of ‘good planning seal of approval’ there are no real incentives to encourage participation in the process.

We would recommend following the model offered by APA. While the model does not specify thresholds, leaving these up to the particular issues within a state, APA does recommend allowing thresholds to differ based on community size and location (*Growing Smart Legislative Guidebook*, 2002 Edition, Chapter 5, page 56). They should be relative rather than absolute, where possible. It should also include the opportunity to balance qualitative judgment with quantitative thresholds. There should also be a provision that CMAP will be required to provide a written acknowledgement of the recommendations of other agencies in its final decision (Ibid, page 57). Such a written response should clarify the connection between the proposal and the regional plan. Finally, there needs to be connection between the value of the review, and the implementation of the proposed development. We understand that this last element is difficult, especially as this is a regional plan, with limited state support, and must balance local interests. Yet if the DRI process is to work, it must provide the carrot, along with the stick.

The Illinois Chapter of APA would be pleased to assist with expanding communications with planners in the State as a new version of the draft DRI process is released. We appreciate the hard work of CMAP and its committees on this important endeavor.

On behalf of the APA-IL Board,

Karen L. Stonehouse, AICP
President, American Planning Association - Illinois Chapter



Chicago Metropolitan Agency for Planning

Developments of Regional Importance, Version 2 – Comments

**Submitted by: The Will County Center for Economic Development (CED), a private, non-profit development corporation serving all of Will County
April 6, 2009**

Comments

DRI, Version 2 addresses many of the concerns the CED had with Version 1. The stated threshold levels bring clarity to how large a project needs to be before being declared a DRI. However, there are still areas we think need to be addressed:

1. The document needs an overall “Statement of Purpose” for the review of DRI’s. As a planning tool it is our understanding that a DRI review offers a third-party regional perspective on major projects that affect multiple jurisdictions in the Chicago Metropolitan Area. A statement regarding the position that the DRI process is a “value-added” process to local planning and development, not just a tool for identifying negative impacts only needs to be a part of this document – we need to supply solutions as well.
2. What is the definition of the following terms:
 - widespread regional impacts;
 - truck equivalent number equal to 50,000 auto vehicle trips per day;
 - net discharge of greater than 5 million gallons effluent per day (what does net-discharge mean and what type of effluent);
 - impervious paved surfaces and rooftops
 - What do *significantly affects, significantly changes, affects the function or performance of* mean? Section 5, A of the Process document creates a new set of thresholds beyond the three spelled out in Section 3;
3. In a multi-phased development is the proposed ultimate build out of the project considered in identifying a DRI?
4. Will the developer, jurisdictions with authority, etc. have any formal role in the review process?
5. There are no provisions for amending the DRI Process once adopted. Amending one section (i.e. project thresholds) independent of the rest of the document could change the overall review process and value.

In addition to the above comments the CED submits the following recommendations regarding Developments of Regional Significance:

Recommendations

- The DRI Process should be used only to advise local units of government on best development practices for specific projects - the value added role of CMAP should be universally understood as a good thing, not a development stopper;
- Recommend a 2-year trial period for the DRI process during which time all projects are trial cases only without any official recommendations made by CMAP; select an existing project that by all accounts is truly a DRI, e.g. The CN acquisition of the EJ&E;
- Local environmental and zoning hearings should fulfill the public hearing requirement required by the DRI Process;
- Possible DRI's should be allowed to be brought to CMAP by local elected officials only. Referrals should not be allowed by CMAP staff, Board Members or individual citizens petitioning the CMAP Board;
- A project should impact 70% of the Chicagoland population before be considered a DRI;

Submitted by:



John E. Greuling
President and CEO

Will County Center for Economic Development